

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Maria Miller  
765 Hilltop  
Flagstaff, AZ 86002

Registered Nurse License No. 124526

Respondent.


Case No. 2008-2

**DECISION**

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on November 12, 2007

IT IS SO ORDERED this October 12, 2007.



President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 ALFREDO TERRAZAS  
Senior Assistant Attorney General  
3 JANICE K. LACHMAN, State Bar No. 186131  
Supervising Deputy Attorney General  
4 California Department of Justice  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 445-7384  
Facsimile: (916) 327-8643  
7

8 Attorneys for Complainant

9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2008-2

12 **MARIA R. MILLER**  
a.k.a. MARIA ROSALINA BERLANGA  
13 a.k.a. MARIA BERLANGA MILLER  
765 Hilltop  
14 Flagstaff, AZ 86002

OAH No.

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

15 Registered Nurse License No. 124526

16 Respondent.  
17

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this  
19 proceeding that the following matters are true:

20 **PARTIES**

21 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of  
22 the Board of Registered Nursing. She brought this action solely in her official capacity and is  
23 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,  
24 by Janice K. Lachman, Supervising Deputy Attorney General.

25 2. Maria R. Miller, also known as Maria Rosalina Berlanga and Maria  
26 Berlanga Miller, (Respondent) is representing herself in this proceeding and has chosen not to  
27 exercise her right to be represented by counsel.

28 ///

3. On or about April 28, 1960, the Board of Registered Nursing issued Registered Nurse License No. 124526 to Maria R. Miller, also known as Maria Rosalina Berlanga and Maria Berlanga Miller. The License expired on October 31, 2001, and has not been renewed.

## JURISDICTION

4. Accusation No. 2008-2 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on July 13, 2007. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2008-2 is attached as exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2008-2. Respondent also has carefully read, and fully understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

## CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2008-2, agrees that cause exists for discipline, and hereby surrenders her Registered Nurse License No. 124526 for the Board's formal acceptance.

///

9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Registered Nurse License without further process.

## RESERVATION

10. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Board of Registered Nursing or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

## CONTINGENCY

11. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

## OTHER MATTERS

12. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

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1. The surrender of Respondent's license and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

3. Respondent shall cause to be delivered to the Board both her wall and pocket license certificate on or before the effective date of the Decision and Order.

5. Upon reinstatement of the license, Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$475.25. Respondent shall be permitted to pay these costs in a payment plan approved by the Board.

4

1                   7.       Respondent shall not apply for licensure or petition for reinstatement for  
2 three (3) years from the effective date of the Board of Registered Nursing's Decision and Order.

3  
4                                   ACCEPTANCE

5                   I have carefully read the Stipulated Surrender of License and Order. I understand  
6 the stipulation and the effect it will have on my Registered Nurse License. I enter into this  
7 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to  
8 be bound by the Decision and Order of the Board of Registered Nursing.

9 DATED: August 7, 2007

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11                                     
12                                   MARIA R. MILLER  
13                                   Respondent

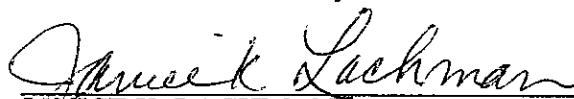
14  
15                                   ENDORSEMENT

16                   The foregoing Stipulated Surrender of License and Order is hereby respectfully  
17 submitted for consideration by the Board of Registered Nursing of the Department of Consumer  
18 Affairs.

19  
20 DATED: August 14, 2007

21                                   EDMUND G. BROWN JR., Attorney General  
22                                   of the State of California

23                                   ALFREDO TERRAZAS  
24                                   Senior Assistant Attorney General

25                                     
26                                   JANICE K. LACHMAN  
27                                   Supervising Deputy Attorney General

28                                   Attorneys for Complainant

**Exhibit A**  
**Accusation No. 2008-2**

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 ALFREDO TERRAZAS  
Senior Assistant Attorney General  
3 JANICE K. LACHMAN, State Bar No. 186131  
Supervising Deputy Attorney General  
4 California Department of Justice  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 445-7384  
Facsimile: (916) 327-8643

7 Attorneys for Complainant  
8

9 **BEFORE THE**  
10 **BOARD OF REGISTERED NURSING**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2008-2

13 MARIA R. MILLER,  
a.k.a. MARIA ROSALINA BERLANGA,  
14 a.k.a. MARIA BERLANGA MILLER  
765 Hilltop  
15 Flagstaff, AZ 86002

**A C C U S A T I O N**

16 Registered Nurse License No. 124526

17 Respondent.  
18

19 Complainant alleges:

20 **PARTIES**

- 21 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation  
22 solely in her official capacity as the Executive Officer of the Board of Registered Nursing  
23 ("Board"), Department of Consumer Affairs.
- 24 2. On or about April 28, 1960, the Board issued Registered Nurse License  
25 Number 124526 to Maria R. Miller, also known as Maria Rosalina Berlanga and Maria Berlanga  
26 Miller ("Respondent"). Respondent's registered nurse license expired on October 31, 2001.

27 ///

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1 **STATUTORY PROVISIONS**

2 3. Business and Professions Code ("Code") section 2750 provides, in  
3 pertinent part, that the Board may discipline any licensee, including a licensee holding a  
4 temporary or an inactive license, for any reason provided in Article 3 (commencing with section  
5 2750) of the Nursing Practice Act.

6 4. Code section 2764 provides, in pertinent part, that the expiration of a  
7 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding  
8 against the licensee or to render a decision imposing discipline on the license. Under Code  
9 section 2811, subdivision (b), the Board may renew an expired license at any time within eight  
10 years after the expiration.

11 5. Code section 2761 states, in pertinent part:

12 The board may take disciplinary action against a certified or licensed nurse  
13 or deny an application for a certificate or license for any of the following:

14 (a) Unprofessional conduct. . .

15 . . . .

16 (4) Denial of licensure, revocation, suspension, restriction, or any other  
17 disciplinary action against a health care professional license or certificate by  
18 another state or territory of the United States, by any other government agency, or  
by another California health care professional licensing board. A certified copy of  
the decision or judgment shall be conclusive evidence of that action . . .

19 **COST RECOVERY**

20 6. Code section 125.3 provides, in pertinent part, that the Board may request  
21 the administrative law judge to direct a licensee found to have committed a violation or  
22 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
23 and enforcement of the case.

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1 **CAUSE FOR DISCIPLINE**

2 **(Disciplinary Action by the Arizona State Board of Nursing)**

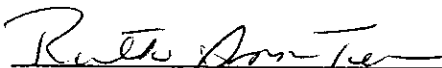
3 7. Respondent is subject to disciplinary action pursuant to Code section  
4 2761, subdivision (a)(4), on the grounds of unprofessional conduct. On or about December 20,  
5 2006, pursuant to the Consent for Entry of Voluntary Surrender Order No. 05A-0403149  
6 ("Voluntary Surrender"), accepted by the Arizona State Board of Nursing, in the disciplinary  
7 proceeding titled *In the Matter of Professional Nurse License No. RN025675 Issued to: Maria*  
8 *Berlanga Miller*, Respondent voluntarily surrendered her license to practice registered nursing in  
9 the state of Arizona. A true and correct copy of the Voluntary Surrender is attached as exhibit  
10 "A" and incorporated herein by reference.

11 **PRAYER**

12 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
13 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 14 1. Revoking or suspending Registered Nurse License Number 124526, issued  
15 to Maria R. Miller, also known as Maria Rosalina Berlanga and Maria Berlanga Miller;  
16 2. Ordering Maria R. Miller, also known as Maria Rosalina Berlanga and  
17 Maria Berlanga Miller, to pay the Board of Registered Nursing the reasonable costs of the  
18 investigation and enforcement of this case, pursuant to Business and Professions Code section  
19 125.3; and  
20 3. Taking such other and further action as deemed necessary and proper.

21 DATED: 7/3/07

22  
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24 RUTH ANN TERRY, M.P.H., R.N.  
25 Executive Officer  
26 Board of Registered Nursing  
27 Department of Consumer Affairs  
28 State of California  
Complainant

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**EXHIBIT A**

**Consent for Entry of Voluntary Surrender Order No.**

**Janet Napolitano**  
Governor



**Joey Ridenour**  
Executive Director

*Arizona State Board of Nursing*

4747 North 7<sup>th</sup> Street, Suite 200  
Phoenix AZ 85014-3653  
Phone (602) 889-5150 Fax (602) 889-5155  
E-Mail: [arizona@azbn.org](mailto:arizona@azbn.org)  
Home Page: <http://www.azbn.org>

**AFFIDAVIT OF CUSTODIAN OF RECORDS**

STATE OF ARIZONA

COUNTY OF MARICOPA

I, Joey Ridenour, Executive Director for the Arizona State Board of Nursing, County of Maricopa, State of Arizona, do hereby certify that I am the officer having the legal custody for the records hereto attached in the office of the Arizona State Board of Nursing, County of Maricopa, State of Arizona, a public office of said State. The attached copies are true copies of the records on **MARIA BERLANGA MILLER**. Personnel of the Arizona State Board of Nursing prepared the records during the ordinary course of business.

Witness my hand and the seal of the Arizona State Board of Nursing at 4747 N. 7th Street, Suite 200, Phoenix, Arizona 85020 on January 4, 2007.

SEAL

A handwritten signature in cursive script that reads "Joey Ridenour".

Joey Ridenour, R.N., M.N.  
Executive Director

# AZ State Board of Nursing

Date Printed: 01/04/2007

By: VICKY DRIVER, LICENSING

**NAME** Ms. MARIA BERLANGA MILLER

**GENDER:** F      **ETHNICITY:** Hispanic

**PLACE OF BIRTH** CITY: SONORA      **STATE:** AZ

**HOME ADDRESS**

765 E HILLTOP AVE

FLAGSTAFF AZ 86001

County: Coconino

Country:

**HOME PHONE:** N/A

**BUSINESS PHONE:** N/A

**E-MAIL:**

**MAILING ADDRESS**

County:

Country:

**PAGER:** N/A

**FAX:** N/A

**BUSINESS ADDRESS**

DEPT DEV DISABILITIES

2705N 4TH ST SUITE A

FLAGSTAFF AZ 86001

County: - -

Country:

**CELL PHONE:** N/A

**OTHER NAMES**

NAMES USED

REASON

NAMES USED

REASON

**AZ LICENSE/CERTIFICATION INFORMATION:**

**License/Certificate Number:** RN025675

**License Type:** REGISTERED NURSE

**Original Date:** 01/10/1972

**Expiration/Next Renewal Date:** 06/30/2007

**Last Issued Date:** 06/06/2003

**Original State of Licensure/Certification:** ARIZONA

**AZ LICENSE STATUS HISTORY**

<u>STATUS</u>	<u>FROM</u>	<u>TO</u>	<u>LAST MODIFIED BY:</u>
Decree of Censure	04/24/1996	04/24/1996	
Active: Good Standing	09/19/1996	12/20/2006	SUSAN BARBER
Multi State Privileges	07/01/2002	12/20/2006	SUSAN BARBER
Complaint/Self Report	03/31/2004	05/20/2005	NANCY L. TWIGG
UNDER INVESTIGATION	05/20/2005	12/20/2006	SUSAN BARBER
Voluntary Surrender	12/20/2006		SUSAN BARBER

**SCHOOL INFORMATION**

<u>NAME</u>	<u>LOCATION</u>	<u>NCLEX CODE</u>	<u>DEGREE OBTAINED</u>	<u>GRADUATION DATE</u>
BISHOP JOHNSON COLLEGE	LOS ANGELES CA		Program - RN Diploma	01/01/1960
BISHOP JOHNSON COLLEGE OF NSG	LOS ANGELES CA			03/03/1960

**OTHER STATES OF LICENSURE/CERTIFICATION**

<u>LIC/CERT NO</u>	<u>STATE</u>	<u>LIC/CERT TYPE</u>	<u>STATUS</u>	<u>LIC/CERT DATE</u>	<u>ORIG STATE</u>
	CA	REGISTERED NURSE			
		REGISTERED NURSE	Active: Good Standing		

**MOST RECENT APPLICATION INFORMATION**

**Year:** 1996

**Employment Status:**

**Type of Nursing Position:**

**Major Clinical or Teaching Area in Nursing:**

**Principle Field of Employment:**

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**ARIZONA STATE BOARD OF NURSING**  
**1651 East Morten Avenue, Suite 210**  
**Phoenix, Arizona 85020-4613**  
**602-889-5150**

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IN THE MATTER OF PROFESSIONAL NURSE  
NURSE LICENSE NO. RN025675  
ISSUED TO:  
MARIA BERLANGA MILLER,  
RESPONDENT.

**CONSENT FOR ENTRY OF  
VOLUNTARY SURRENDER  
ORDER NO. 05A-0403149**

A complaint charging Maria Berlanga Miller ("Respondent") with violation of the Nurse Practice Act has been received by the Arizona State Board of Nursing ("Board"). In the interest of a prompt and speedy settlement of the above-captioned matter, consistent with the public interest, statutory requirements, and the responsibilities of the Board, and pursuant to A.R.S. §32-1663 (D)(5), Respondent voluntarily surrenders her license for a minimum of five (5) years.

Based on the evidence before it, the Board makes the following Findings of Fact, Conclusions of Law:

**FINDINGS OF FACT**

1. Maria Berlanga Miller ("Respondent"), holds Board issued professional nurse license number RN025675, in the State of Arizona. Respondent's license expires on June 30, 2007.

2. On or about September 25, 2000, to December 22, 2000, Respondent was employed at Northern Arizona Healthcare/Flagstaff Medical Center ("FMC"), in Flagstaff, Arizona.

1                   3.       On or about December 22, 2000, Respondent's employment at FMC was  
2 terminated for failure to achieve the required level of performance for the case management  
3 portion of the utilization review position.

4                   4.       For the 2001-2002 academic year, Respondent was hired as a nursing  
5 instructor on the faculty at Northland Pioneer College ("NPC"), teaching second year nursing  
6 students at the Winslow Campus in Winslow, Arizona.

7                   5.       On or about October 1, 2001, Dr. Carl Heilman, Vice President for  
8 Instructional Services, and Barbara Ballard, the Director of the Nursing Program, met with  
9 Respondent to address the following concerns: (a) Inaccurate information presented in lectures  
10 and in demonstrating nursing skills, such as inability to do dosage calculations. Respondent's  
11 competency was questioned; (b) Unethical behavior by threatening students with a point system;  
12 (c) Front-loading of grades to assure students received good grades, i.e. providing test questions  
13 and answers in advance of the test; (d) Submitting an incomplete resume; (e) Coping behaviors  
14 in that Respondent is evasive, rambles to other topics, is tangential, blocking, defensive, returns  
15 aggressively, and convoluting. Respondent fails to hear or accept information about her teaching  
16 performance.

17                   6.       From November 2002, to February 2004, Respondent was employed by  
18 Nursing Solutions, a registry in Phoenix, Arizona.

19                   7.       On or about January 26, 2004, in a letter written by Fat Lundberg, RN,  
20 Administrator at Nursing Solutions, concerns were addressed regarding Respondent's lack of  
21 demonstrating professional judgment relative to typical nurse practice standards.

22                   8.       On or about May 20, 2005, the Board issued an Interim Order for a  
23 neuropsychological evaluation by a board approved psychologist.

24                   9.       On or about July 11, 2005, Respondent had a neuropsychological  
25 evaluation with Phillip D. Lett, Ph.D. The evaluation shows Respondent's neuropsychological  
26 functioning is in the mildly ineffective range. Cognitive measures obtained point to mild

1 cognitive inefficiency in the area of complex problem solving and concept formation and verbal  
2 memory and learning in the specific area of recall errors. The results of the test were confounded  
3 by the possibility of compromised functioning of Respondent's right hand due to injury and  
4 consequent surgery in May 2005. Dr. Lett recommended Respondent engage in psychotherapy  
5 for at least eight sessions with a Board approved psychologist to address behavioral concerns,  
6 have monthly compliance reports submitted to the Board from the psychologist, and that  
7 Respondent have a repeat neuropsychological evaluation in six to nine months to assess any  
8 cognitive changes from baseline.  
9

10 10. The Board is concerned with Respondent's ability to practice nursing  
11 safely with the current neuropsychological functioning and cognitive inefficiency demonstrated  
12 in Dr. Lett's evaluation.  
13

14 11. On or about November 21, 2006, Respondent requested to voluntary  
15 surrender her professional nursing license because she has retired from nursing.  
16

### 17 CONCLUSIONS OF LAW

18 Pursuant to A.R.S. §§32-1606, 32-1663, and 32-1664, the Board has subject  
19 matter and personal jurisdiction in this matter.  
20

21 The conduct and circumstances described in the Findings of Fact constitute a  
22 violation of A.R.S. § 32-1663 (D), as defined in A.R.S. § 32-1601 (16) (d), (e), (g), (h) and (j),  
23 and A.A.C. R4-19-403 (1), (9) and (25) (adopted effective July 19, 1995),.

24 The conduct and circumstances described in the Findings of Fact constitute  
25 sufficient cause pursuant to A.R.S. §§ 32-1663 (D)(5) and 32-1664(N) to take disciplinary  
26 action against Respondent's license to practice as a professional nurse in the State of Arizona.

1 Respondent admits the Board's Findings of Fact, Conclusions of Law.

2 Respondent understands that she has an opportunity to request a hearing and  
3 declines to do so. Respondent agrees to issuance of the attached Order and waives all rights to  
4 a hearing, rehearing, appeal, or judicial review relating to this Order.

5 Respondent understands that all investigative materials prepared or received by  
6 the Board concerning these violations and all notices and pleadings relating thereto may be  
7 retained in the Board's file concerning this matter.

8 Respondent understands that the admissions in the Findings of Fact are  
9 conclusive evidence of a violation of the Nurse Practice Act and may be used for purposes of  
10 determining sanctions in any future disciplinary matter.

11 Respondent understands the right to consult legal counsel prior to entering into  
12 the Consent Agreement and such consultation has either been obtained or is waived.

13 Respondent understands that this voluntary surrender is effective upon its  
14 acceptance by the Executive Director or the Board and by Respondent as evidenced by the  
15 respective signatures thereto. The effective date of this Order is the date the Voluntary  
16 Surrender is signed by the Executive Director or the Board and by Respondent. If the  
17 Voluntary Surrender is signed on a different date, the later date is the effective date.

18 Respondent understands that Voluntary Surrender constitutes disciplinary action.  
19 Respondent also understands that she may not reapply for reinstatement during the period of  
20 Voluntary Surrender.

21 Respondent agrees that she may apply for reinstatement after the period of  
22 voluntary surrender under the following conditions, and must comply with current law at the  
23 time of their application for reinstatement:  
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1 The application for reinstatement must be in writing and shall contain therein or  
2 have attached thereto substantial evidence that the basis for the voluntary surrender has been  
3 removed and that the reinstatement of the license does not constitute a threat to the public's  
4 health, safety and welfare. The Board may require physical, psychological, or psychiatric  
5 evaluations, reports and affidavits regarding the Respondent as it deems necessary. These  
6 conditions shall be met before the application for reinstatement is considered.  
7

8  
9 Maria Berlanga Miller  
10 Maria Berlanga Miller, Respondent

11 X Date: 12-14-06  
12

13 ARIZONA STATE BOARD OF NURSING

14 SEAL

15 Joey Ridenour  
16 Joey Ridenour, R.N., M.N.  
17 Executive Director

18 Dated: 12/20/06

19 BARBER/Miller, Maria Berlanga, RN025675  
20

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06 DEC 15 PM 1:13

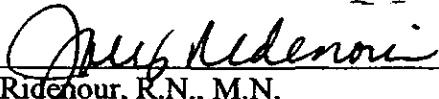
21 ORDER

22 Pursuant to A.R.S. §32-1663(D)(5) the Board hereby accepts the Voluntary  
23 Surrender of professional nurse license number RN025675, issued to Maria Berlanga Miller.  
24 This Order of Voluntary Surrender hereby entered shall be filed with the Board and shall be  
25 made public upon the effective date of this Consent Agreement. Respondent shall not practice  
26 in Arizona under the privilege of a multistate license.

1 IT IS FURTHER ORDERED that Respondent may apply for reinstatement of  
2 said license after a period of five (5) years.  
3

4 SEAL

ARIZONA STATE BOARD OF NURSING

6   
7 Joey Ridenour, R.N., M.N.  
8 Executive Director

9 Dated: 12/20/06

10 JR/SB:dc  
11

12 COPY mailed this 21<sup>st</sup> day of November, 2006, by First Class Mail to:

13 Maria Berlanga Miller  
14 765 E Hilltop Ave  
15 Flagstaff AZ 86001

16 By: Susan Barber, MSN, RN  
17 Nurse Consultant, Hearing Dept.  
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